

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent reissue application of:

Patent No. : 5,948,525
Issued : September 7, 1999
Inventors : Masahiro Kimura
: Kohzo Takahashi
: Hiroji Kojima
: Koichi Abe
Title : BIAXIALLY STRETCHED
: POLYESTER FILM FOR
: FORMING CONTAINER
: AND METHOD OF
: PRODUCING THE FILM



035811

PATENT & TRADEMARK OFFICE

Docket No.: 1001-RE-98

Confirmation No.: 1861

Dated: **DRAFT**

COMBINED DECLARATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Masahiro Kimura, Kohzo Takahashi, Hiroji Kojima and Koichi Abe, declare that:

1. The information give herein is true.
2. We believe that we, the above-identified inventors, are the original, first and joint inventors of the invention described and claimed in Letters Patent No. 5,948,525, for which invention we solicit a reissue patent.
3. We do not know and do not believe that the invention was ever known or used in the United States of America before invention thereof by us. However, we believe the original patent to be wholly or partly inoperative or invalid by reason of our claiming less than we had the right to claim in the patent.
4. The errors may be found at line 2 in each of Claims 6 – 8, 10 – 12, 14- 16 and 18 – 20 with respect to claim dependencies. Specifically, Claims 6, 7, 8, 10, 11, 12, 14, 15, 16, 18, 19 and 20 depended from Claims 5, 6, 7, 9, 10, 10, 13, 14, 15, 16, 1 and 1, respectively. They should

have depended from Claims 1 – 4, 1 – 4, 1 – 4, 8, 8, 8, 12, 12, 8, 8, 1 – 4 and 1 – 4, respectively.

5. The error arose without any deceptive intention on our part.

6. We acknowledge the duty to disclose the information of which we are aware which is material to the examination of this application as defined in 37 C.F.R. §1.56. An Information Disclosure Statement is being filed with the application.

7. We hereby claim priority under 35 U.S.C. §119 of foreign applications:

HEI 8-121519, Japan, filed May 16, 1996

HEI 8-229018, Japan, filed August 29, 1996

HEI 9-022489, Japan, filed February 5, 1997

8. We have reviewed and understand the contents of the Specification, including the claims, all as in the original patent and as amended in this reissue application.

9. All statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and thus such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

10. We hereby appoint the following attorneys to prosecute this application for reissue and to transact all business in the U.S. Patent and Trademark Office connected therewith:

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Date: June 4, 2003

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* * *

Toray Industries, Inc. is a corporation of Japan having a place of business at 1-1, Sonoyama

1-chome, Otsu, Shiga 520-8558, Japan, and is the owner of the entire right, title and interest of the above-identified Letters Patent by Assignment, as shown in the Office records at Reel 9112, Frame 0637. I have reviewed the records and certify to the best of my knowledge and belief that title is in Toray Industries, Inc.

The undersigned assignee of the entire interest in the above-mentioned Letters Patent hereby assents to the application.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and thus such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Toray Industries, Inc.

Date: June 4, 2003

By: Kazuo Tomiita

Name: (Printed): Kazuo Tomiita
Title: Senior Managing Director
and Representative Director